

DOCUMENT RESUME

00804 - [A0590834]

[Appeal for Reconsideration of Denied Claim for Transportation Costs]. H-185736. December 28, 1976. 3 pp.

Decision re: Alfred W. Cahman; by Robert P. Keller, Acting Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Tennessee Valley Authority; Department of the Navy: Naval Air Station, Key West, FL.

Authority: 5 U.S.C. 5724. F.T.R. (FPER 101-7), para. 2-1.3.

The claimant based his own appeal on the grounds that the only record saying that his transportation costs would not be covered was a job offer, which he turned down, and that his move was made as a result of a transfer not connected with the job offer. In this dispute of facts, the claimant did not produce sufficient evidence for his argument; the decision must be in favor of the Government. (SS)

00804

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: W-185736

DATE: December 26, 1976

MATTER OF: Alfred W. Cahman - Claim for transportation costs

- DIGEST:
1. When dispute as to facts arises between claimant and administrative officers, GAO will accept statements of facts furnished by administrators in the absence of convincing evidence to the contrary.
 2. Employee of Tennessee Valley Authority in Tennessee transferred to position in Florida with Department of Navy and claimed transportation expenses. He is not entitled to reimbursement since Navy determined at time of transfer that travel and transportation would not be authorized at Government expense and payment may not be made on basis of postapproval of expenses.

This action concerns an appeal by Mr. Alfred W. Cahman of the denial by our Claims Division of his claim for transportation expenses incurred incident to his transfer from the Tennessee Valley Authority (TVA), Jefferson City, Tennessee, to a civilian position at the Florida City Pumping Station of the Public Works Department, Navy Aqueduct Division, Naval Air Station, Key West, Florida.

By letter dated April 29, 1974, the Employment Superintendent of the Naval Air Station at Key West offered Mr. Cahman a career-conditional appointment as a machinist in the Public Works Department. This letter informed Mr. Cahman, who had at that time 27 years of service at TVA, "You must bear all expense in connection with reporting for duty." Further negotiations concerning this offer took place during a telephone conversation on May 13, 1974. Although the Navy submits that in this conversation he was "again advised * * * that travel expenses were not authorized," Mr. Cahman contends that at this time and throughout the period in which he sought reimbursement for transportation costs, he was "led to believe the expenses would be paid."

Mr. Cahman reported for duty at the Public Works Division on May 19, 1974. Shortly thereafter his supervisor made inquiries as to whether transportation expenses could be paid in this case.

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The Public Works Officer indicated that, regulations permitting, he would recommend approval. Mr. Cahman was advised that he might submit a voucher to the Navy Finance Office for the allowances. It was determined, however, that the payment of transportation costs was not authorized at the time the travel was performed and that "such expenses cannot now be approved retroactively."

The claim was subsequently forwarded to our Claims Division for adjudication. The claim was disallowed because the record showed that Mr. Cahman was advised that the move was to be made at his expense and no travel orders were issued by an appropriate official of the Department of the Navy authorizing the payment of change of station allowances.

Section 5724 of title 5, United States Code (1970), provides, under such regulations as the President may prescribe, for the payment of travel and transportation expenses of an employee transferred in the interest of the Government from one official station or agency to another for permanent duty when authorized or approved by the agency head or his designee. In implementation of that statute, the Federal Travel Regulations (FPMR 101-7), para. 2-1.3 (1973), provide for the payment of such expenses when authorized or approved by an official designated by the agency head.

In his appeal Mr. Cahman disputes the Navy's assertion that he was repeatedly advised that his travel expenses were not authorized. He states, "I know of no record that shows that I was advised to pay expenses, except a job offer which I turned down and which had nothing to do with the transfer of a permanent duty employee." With regard to such factual disputes, we have held that we must of necessity base our decisions on the factual information furnished by the claimants and the reports obtained from agencies. Our Office has no duty to refute a claim or to refute the allegations underlying a claim. On the contrary one who asserts a claim has the burden of furnishing sufficient evidence to clearly establish his right to receive payment. When disputed questions of fact arise between a claimant and the administrative officers of the Government, it is the long established rule of accounting officers to accept the statements of facts furnished by the administrative officers, in the absence of convincing evidence to the contrary. B-176477, August 27, 1973.

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In the instant case the record indicates that Mr. Cahman was advised in the job offer that he would have to bear his transportation expenses and no authorization for the payment of such expenses was issued. In view of these circumstances we can only conclude that at the time of transfer it was determined that travel and transportation would not be authorized at Government expense. Since this determination could properly have been made under the applicable law and regulations, and inasmuch as no error or omission is now alleged as a basis to retroactively authorize such expenses to be paid by the Government, payment may not be made on the basis of a postapproval of the expenses. See B-175433, April 27, 1972.

Accordingly, the denial by the Claims Division of Mr. Cahman's claim is hereby sustained.


Acting Comptroller General
of the United States